

FILED

United States District Court
 for the Western District of Texas
San Antonio Division

MAR 28 2005
 CLERK U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY *[Signature]*
 DEPUTY CLERK

Levi Reed Jr

(Name of plaintiff or plaintiffs)

v.

San Antonio AEROSpace LP

David Young, John Milton

David Rodriguez, S. Ferris

(Name of defendant or defendants)

Civil Action Number:

SA 05 CA 0186 RF

(Case Number to be supplied
 by the Intake Clerk)

COMPLAINT

1. This action is brought by Levi Reed, Plaintiff, pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.
- The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- The Equal Pay Act (29 USC § 206(d)) (EPA).
- The Rehabilitation Act of 1973 (29 USC §791 et seq.) (Applicable to federal employees only).

6.

2. Defendant San Antonio Adeo Space (Defendant's name) lives at, or its business is located at 9800 John Sanders Rd. (street address), _____ (city), _____ (state), _____ (zip).

3a. Plaintiff sought employment from the defendant or was employed by the defendant at San Antonio (street address), _____ (city), TX 78216 (state), 78216 (zip).

3b. At all relevant times of claim of discrimination, Defendant employed 21 (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had 21 (#) members.

4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about 7 (month) 27 (day) 05 (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: In + mid April
to May 15 The last 300 days.

5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about 9 (month) 16 (day) 04 (year). (Not applicable to federal civil service employees).

6a. The E.E.O.C. issued a Notice of Right to Sue which was received by plaintiff on 12 (month) 8 (day) 04 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

VERY IMPORTANT NOTE: PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

6b. Please indicate below if the E.E.O.C issued a Determination in your case:

Yes
 No

VERY IMPORTANT NOTE: IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT.

7. Because of plaintiff's:

(Please select the applicable allegation(s))

Race (If applicable, state race) African American

Color (If applicable, state color) B/L

Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim) _____

Religion (If applicable, state religion) _____

National Origin (If applicable, state national origin) _____

Age (If applicable, state date of birth) 61-13-45

Disability (If applicable, state disability) _____

Prior complaint of discrimination or opposition to acts of discrimination. (Retaliation) (If applicable, explain events of retaliation) _____

The defendant: (please select all that apply)

failed to employ plaintiff.

terminated plaintiff's employment.

failed to promote plaintiff.

harassed plaintiff.

other (specify) Gave false information
about Sign Incident Report
that they refuse to take from
me I have 5 coworkers
who will witness this action
By Management personnel & Chief
of Security.

8a. State specifically the circumstances under which defendant, its agent, or employees discriminated against plaintiff PERSONALLY:

VERY IMPORTANT NOTE:

INCLUDE SPECIFIC DATES, SPECIFIC EVENTS, AND ANY SPECIFIC COMMENTS MADE BY DEFENDANT PERTAINING TO THE DISCRIMINATION CLAIM ALLEGED ABOVE.

David Young my Supervisor Admitted to me that he was Prejudic An when I tried to report This Incident to management the refuse to Except it.

8b. List any witnesses who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

*Mr Houston Thompson Jose Torrez Jesse Soto
All are Security Guards*

8c. List any documentation that would support plaintiff's allegations and explain what the documents will prove:

I Finally Gave my Incident Report to HUMAN BECAUSE A week AFTER NO one in MGR. would TAKE it

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

still being committed by defendant.
 no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

- Defendant be directed to employ plaintiff.
- Defendant be directed to re-employ plaintiff.
- Defendant be directed to promote plaintiff.
- Defendant be directed to Explain why they would
not TAKE my incident report, and
WANTED TO KEEP WHAT REALLY & TRULY
HAPPEN FROM GETTING TO OTHER
EMPLOYER & EMPLOYEES

and that the Court grant
such other relief as may be appropriate, including injunctive orders, damages, costs
and attorney's fees.

I declare (or certify, verify, or state) under
penalty or perjury that the foregoing is true
and correct.

3-8-05

Date

Ben Reelh

Signature of Plaintiff

9711 Green Plain DR

Address of Plaintiff

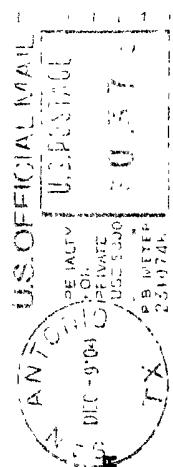
San Antonio, TX 78245

City

State

Zip Code

Telephone Number(s)



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SAN ANTONIO DISTRICT OFFICE
5410 FREDERICKSBURG ROAD - SUITE 200
SAN ANTONIO TX 78229-3555

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE \$300

Mr. Levi Reed
9711 Green Plain Drive
San Antonio, TX 78245

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7224543065

DISMISSAL AND NOTICE OF RIGHTS

To: Levi Reed
9711 Green Plain Drive
San Antonio, TX 78245

From: U. S. Equal Employment Opportunity Commission
San Antonio District Office
5410 Fredericksburg Rd. Suite 200
San Antonio, TX 78229

*On behalf of person(s) aggrieved whose identity is
[] CONFIDENTIAL (29 CFR § 1601.7(a))*

Charge No.	EEOC Representative	Telephone No.
360-2004-11422	Travis Hicks, Enforcement Supervisor	(210) 281-7603

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- We cannot investigate your charge because it was not filed within the time limit required by law.
- Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- While reasonable efforts were made to locate you, we were not able to do so.
- You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- Other (briefly state) _____

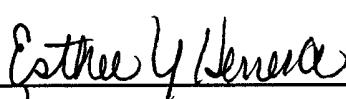
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS from your receipt of this Notice**; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible.

On behalf of the Commission



Pedro Esquivel, District Director



(Date Mailed)

Enclosure(s)

cc: San Antonio Aerospace

SAN ANTONIO AEROSPACE SECURITY

INCIDENT REPORT

PAGE 1 OF 1

Report by:	Date & Time reported completed:
<u>LEVI REED JR</u>	<u>7-27-04 19:00</u>
Type of incident:	Date & Time incident occurred:
<u>RACIAL DISCRIMINATION</u>	
Location of incident:	
<u>UNIT #5</u>	
Who was notified:	When:
<u>David Ledesma</u>	<u>ASAP</u>
Were Police, Fire or EMS called?	Case#

PERSONS INVOLVED:

NAME DAVID Young 2nd Shift Lead Supervisor ADDRESS PHONE#
1.

3. _____

WITNESSES

2. VEHICLES INVOLVED

1. Year: _____ Make/Model: _____ Body/Color: _____ I.P.# _____

2 Year: Make/Model: Body/Color: LP#

DETAILS OF INCIDENT:

5/00. Young came to my work place using intimidating remarks. ⁱⁿ racial discrimination

Jeff Rees JH
OFFICER NAME (PRINT)

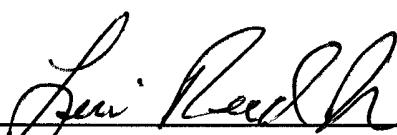
OFFICER NAME (PRINT)

John Reelker
SIGNATURE

SIGNATURE

CHIEF OF SECURITY (SIGNATURE)

DATE

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form		Charge Presented To: <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC Agency(ies) Charge No(s): 360-2004-11422	
Civil Rights Div Texas Workforce Cm and EEOC <small>State or local Agency, if any</small>			
Name (Indicate Mr., Ms., Mrs.) Mr. Levi Reed		Home Phone No. (Incl Area Code) (210) 670-9318 Date of Birth 04-13-1945	
Street Address 9711 Green Plain Drive, San Antonio, TX 78245		City, State and ZIP Code	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name SAN ANTONIO AEROSPACE LP		No. Employees, 201 - 500	Phone No. (Include Area Code) (210) 293-2688
Street Address 9800 John Saunders Road, San Antonio, TX 78216		City, State and ZIP Code	
Name 		No. Employees, 	Phone No. (Include Area Code)
Street Address 		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)		DATE(S) DISCRIMINATION TOOK PLACE Earliest 11-16-2003 Latest 09-04-2004 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>I was intimidated and harassed for the last 300 days by David Young, Lead Supervisor when he would see me in the company vehicle and tell me to walk, not believe me when I would explain I did my job and believe another employee who actually did not do the job; accuse me of tardiness and write me up, whereas others who were tardy were not written up, left me stranded when I had car problems and emptied my desk, kicked my paperwork and phone charger. He admitted to me that he was prejudice.</p> <p>When I tried to report the discrimination through an incident report, it was refused by John Milton, Director of maintenance, David Rodriguez, Chief of Security and J. Ferris, Security Lead.</p> <p>I feel I was discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
Sep 16, 2004 <small>Date</small>		 <small>Charging Party Signature</small>	
		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <small>(month, day, year)</small>	

EEOC AFFIDAVIT

(This form is affected by the Privacy Act of 1974. See Privacy Act Statement on reverse before completing this form.)

NAME Levi Reed	TELEPHONE NUMBER (Give area code) HOME: (210) 670-9318 WORK: (210) 293-3200
ADDRESS (Number, street, city, state, zip) 9711 Green Plain Drive, San Antonio, TX 78245	
THE FOLLOWING PERSON CAN ALWAYS CONTACT ME	
NAME AND TELEPHONE NUMBER	
ADDRESS (Number, street, city, state, zip)	
STATUS OF EMPLOYMENT	
CHECK ONE: <input type="checkbox"/> WORKING <input checked="" type="checkbox"/> NOT WORKING <input type="checkbox"/> SOUGHT EMPLOYMENT AT	NAME OF EMPLOYER San Antonio Aerospace
TYPE OF BUSINESS	DATES OF EMPLOYMENT FROM: TO: WHEN EMPLOYMENT WAS SOUGHT FROM: TO.
POSITION TITLE	DEPARTMENT
ADDRESS (Number, street, city, state, zip)	

I was hired by J. Ferris, Lead Security in 2003 in the capacity of Security Guard. I worked in the Unit 5. My immediate supervisor was David Young (RW) who was the Lead Supervisor.

On July 27, 2004, I was harassed and intimidated for the last 300 days by David Young, Lead Supervisor whenever he would see me in the company vehicle, he would tell me to get off and tell me to walk. On another occasion, I reported that an airplane was wrecked and I reported it to another lead supervisor, Justin Roe, who failed to make an incident report. When we stood before Mr. Young, he believed the lead supervisor and not me, until my co-workers reported to Mr. Young that the lead supervisor had told them about the wrecked airplane. Mr. Young did not believe me when I would explain I did my job and believe another employee who actually did not do the job; accuse me of tardiness and write me up, whereas others who were tardy were not written up. They are Ms. Yuterrio, who was tardy five days straight and not disciplined. Mr. Young left me stranded when I had car problems after he gave me a jump. When I asked him to follow me he went straight back to the office and stated that I was following him even after I told him that I had a bad alternator. He emptied my desk, kicked my paperwork and phone charger. He admitted to me that he was prejudice. When we were called into a meeting by the Director, Mr. Milton, Mr Young admitted what he had said and Mr. Milton told us to get along. Afterwards, I tried to report the discrimination in writing and he would not take it, as well as Mr. Rodriguez and Mr. Ferris. I found out that David Young was later demoted, however, he still has some of the same privileges as before he was demoted.

11-29-2004
REBUTTAL

Levi Reed JR

9711 Green Plain DR
San Antonio 78245

I WNS CALL TO MR Rodriguez office, MR Young
WAS BEING INTERVIEW MR Rodriguez ASK FOR
MY SIDE OF THE STORY I TOLD HIM I CALL BASE
TO REPORT MY ASSIGN POST UNIT-5 NEEDED TO BE
CLOSE BECAUSE MY ASSIGN AIRCRAFT HAD RETURN FROM
A TEST FLIGHT AN HAD TAXI TO ANOTHER HANGER #7
WHILE USE A 2-WAY RADIO TELLING THEM I HAD TO RELOCATE
IN ORDER TO PROTECT & SECURE THE AIRPLANE MY YOUNG
SAID I WAS BREAKING DOING TRANSMISSION & THAT
HE WAS DRIVING TO MY AREA I WAS FOLLOWING PROPER
PROCEDURES THERE WAS NO REASON TO DISCIPLIN ME
HOWEVER MR YOUNG START HOLLOWING AT ME ABOUT WHAT WAS
MY DUTIES OVER & OVER FROM THE LOOK ON HIS FACE

I FENDED FOR MY SAFTY HE WAS IN MY FACE SCREAMING
ASKING ME WHAT MY ASSIGN POST WAS THIS WAS WHEN
I STATED HE ACT LIKE HE WAS ~~MR~~ YOUNG SAID "YES"
I AM PREJUDICE THIS WAS WHEN HE STOP HOLLOWING
AN STATED AGAINST I QUITANT, DISMISSEING WHAT HE
HAD ADMITTED TELLING I STOP A PERSON BY WITH A CELL
PHONE AN CALL MR Rodriguez I HAVE IN THE PAST
TOLD MR Rodriguez THIS MAN IS RACIAL,

IN EVIDENCE MR YOUNG SAID I NEED ASK HIM
WHETHER HE WAS PREJUDICED. THIS IS FALSE.

EVIDENCE: I SUBMITTED AN INCIDENT REPORT REGARDING
RACIAL DISCRIMINATION AGAINST D YOUNG ON AUGUST 8, 2004
TO MRS HOLLY GIBNEY TITLE M.R, SAN ANTONIO AEROSPACE
I ASK HOLLY IF I COULD SUBMIT THE INCIDENT REPORT
FOR THE RECORD SHE SAID YES HOWEVER THEY TOLD
HER THIS MATTER WAS OVER THEN SHE TOLD ME
TO PUT IT ON HER DESK ON THIS DATE AUGUST 8, 2004
MANAGEMENT HAD NOT COME IN CONTACT WITH
THIS INCIDENT REPORT IT WAS NOT SIGN

After The STAFF Meeting I ALSO ASK Supervisor lead Mr. Farris To SIGN AN Submitte my Incident Report regarding Racial Discrimination AGAINST David Young MR FARRIS TOLD me IN FRONT OF ANOTHER Security Guard who was IN THE OFFICE "BASE" WITH US. THAT he wanted nothing to Do with my complaint MR. FARRIS IS THE Person who hired me to work FOR S.A.A.

FURTHERMORE; my charge IS NOT BASE ON Being Discharge from San Antonio Aerospace FOR August 28 2004 INCIDENT

my charge IS BASE ON Being HARASSED & INTIMIDATE BY DAVID YOUNG FOR THE PAST YEAR AND A HALF, OVER 300 DAYS

DATE 11-29-2004

Sincerely,
John Reed Jr
Rev. Reed JR

210) 6709318

PJ